

1 OFFICE OF CONSERVATION

2 STATE OF LOUISIANA

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4 IN RE: GROUND WATER

5 RESOURCES COMMISSION MEETING

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11 REPORT OF MEETING

12 HELD AT

13 BATON ROUGE, LOUISIANA

14 MARCH 7, 2005  
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## OFFICE OF CONSERVATION

## STATE OF LOUISIANA

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IN RE: GROUND WATER

RESOURCES COMMISSION MEETING

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Report of the public meeting held by the Ground  
Water Management Commission, State of Louisiana, on  
March 7, 2005, in Baton Rouge, Louisiana.

## COMMISSION MEMBERS IN ATTENDANCE:

Scott Kirkpatrick, Chairman

James H. Welsh, Commissioner of Conservation

Zahir "Bo" Bolourchi, DOTD - Water Resources

Darwin Knochenmus, Capital Area Groundwater Commission

Richard Durrett, Sparta Groundwater Conservation

John Roussel, Department of Wildlife &amp; Fisheries

Linda Walker, League of Women Voters

Karen Irion, Department of Health and Hospitals

Brad Spicer, Louisiana Agriculture &amp; Forestry

Stan Fulcher, Department of Economic Development

Steve Chustz, Department of Environmental Quality

Fulbert Namwamba, Geologist

Bill Cefalu, Police Jury Association

Len Bahr, Governor's Office on Coastal Activities

Jackie Loewer, Chicot Aquifer

## AGENDA

I. Call to Order - Governor's Office

II. Ground Water Resources Division Activities

III. Old Business

A. Update on Sparta Critical Ground Water Area  
Designation.

B. Update on proposed language for the creation  
of regional water bodies.

C. Overview of the reservoir permitting process

D. Discussion of the proposed language for  
"Large Volume Well"

IV. New Business:

A. Development of Statewide Water Management Plan

B. LDEQ Groundwater Certification process

V. Commission Comments

VI. Task Force Comments

VII. Public Comments

VIII. Schedule for Next Meeting

IX. Adjourn

## 1 LOUISIANA GROUND WATER MANAGEMENT

## 2 COMMISSION MEETING

3 MARCH 7, 2005

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5 MR. KIRKPATRICK:

6 Welcome to the meeting of the Louisiana Ground  
7 Water Resources Commission. Tony, if you would go  
8 ahead and call the roll.

9 MR. DUPLÉCHIN:

10 I'm going to go ahead and try this and see how it  
11 works out. Instead of calling names of commissioners,  
12 I'm going to call out the agency or entity which they  
13 represent, and when I do please identify yourself and  
14 say who you are.

15 The Governor's office?

16 MR. KIRKPATRICK:

17 Scott Kirkpatrick.

18 MR. DUPLÉCHIN:

19 Commissioner of Conservation?

20 MR. WELSH:

21 Jim Welsh.

22 MR. DUPLÉCHIN:

23 Department of Agriculture and Forestry?

24 MR. SPICER:

25 Brad Spicer.

26 MR. DUPLÉCHIN:

27 Department of Economic Development?

28 MR. FULCHER:

29 Stan Fulcher.

30 MR. DUPLÉCHIN:

1 Department of Environmental Quality?

2 MR. CHUSTZ:

3 Steve Chustz.

4 MR. DUPLÉCHIN:

5 Department of Health and Hospitals?

6 MS. IRION:

7 Karen Irion.

8 MR. DUPLÉCHIN:

9 Department of Wildlife and Fisheries?

10 MR. ROUSSEL:

11 John Roussel.

12 MR. DUPLÉCHIN:

13 Department of Transportation and Development?

14 MR. BOLOURCHI:

15 Bo Bolourchi.

16 MR. DUPLÉCHIN:

17 Governor's Office on Coastal Activities?

18 MR. BAHR:

19 Len Bahr.

20 MR. DUPLÉCHIN:

21 Geologist or Engineer with expertise in  
22 groundwater management? (No response.) Sparta  
23 Groundwater Conservation District?

24 MR. DURRETT:

25 Richard Durrett.

26 MR. DUPLÉCHIN:

27 Capital Area Groundwater District?

28 MR. KNOCHENMUS:

29 Darwin Knochenmus.

30 MR. DUPLÉCHIN:

1 Chicot Aquifer representative?

2 MR. LOEWER:

3 Jackie Loewer.

4 MR. DUPLECHIN:

5 Louisiana Landowner's Association? (No  
6 response.) Representative of either Louisiana  
7 Wildlife Federation, Coalition to Restore Coastal  
8 Louisiana or the League of Women Voters?

9 MS. WALKER:

10 Linda Walker.

11 MR. DUPLECHIN:

12 Police Jury Association.

13 MR. CEFALU:

14 Bill Cefalu.

15 MR. DUPLECHIN:

16 Louisiana Farm Bureau? (No response.) Louisiana  
17 Municipal Association? (No response.)

18 MR. KIRKPATRICK:

19 We'll start out with some of our old business  
20 and, Tony, could we get an update on the Sparta  
21 critical groundwater designation?

22 MR. DUPLECHIN:

23 First let me go over the division activities  
24 since our last meeting.

25 MR. KIRKPATRICK:

26 I'm sorry.

27 MR. DUPLECHIN:

28 That's okay. The staff has been quite busy since  
29 the last meeting of the Commission. Two days after  
30 the last meeting I attended a meeting between members

1 of the Claiborne Parish Watershed Commission and  
2 Commissioner of Administration, Jerry Luke LeBlanc, in  
3 which they presented proposals to build lakes  
4 throughout northern Claiborne Parish to help relieve  
5 stress on the Sparta aquifer.

6 The following week Tim Seiler of my staff  
7 attended a weeklong workshop on alternate water  
8 sources for the East Baton Rouge area. The workshop  
9 was hosted in part by East Baton Rouge Department of  
10 Public Works.

11 That same week, at the request of Representative  
12 Hollis Downs, I met with farmers and poultry producers  
13 in Farmerville and gave them a presentation of the  
14 draft Sparta aquifer. During Thanksgiving week I made  
15 the same presentation at DEQ's quarterly groundwater  
16 advisory group meeting.

17 At the end of the month I traveled to Ruston for  
18 a meeting of the Sparta Commission in which they voted  
19 to accept the draft order. On the way back to Baton  
20 Rouge I was invited to attend a meeting at West Monroe  
21 Mayor Dave Norris' office at which a presentation on a  
22 project to lessen Graphics Packaging's dependence on  
23 the Sparta aquifer was made.

24 In December I attended the first ever joint  
25 meeting of the Texas and Louisiana Sabine River  
26 Authorities. The main topics of discussion were the  
27 possible sale of some of Louisiana's share of the  
28 water in the Toledo Bend reservoir to Texas and the  
29 168' mean sea level issue. The Department of Natural  
30 Resources continues to be involved in the water sale

1 matter.

2 During the second week of the month I represented  
3 the Commissioner at a meeting between DNR and DOTD in  
4 which overlapping programs were discussed. Later that  
5 week I met with the Webster Parish Watershed Committee  
6 and discussed aquifer protection and conservation with  
7 them, as well as explaining to them the relationship  
8 between the Office of Conservation, Groundwater  
9 Resources Commission and the Advisory Task Force. The  
10 following day I attended a meeting of the Water  
11 Resources Committee of North Louisiana and explained  
12 to them the work that the Office of Conservation, the  
13 Commission, and the Task Force are doing.

14 I was out of the office for most of January in  
15 Germany visiting the troops, but the staff stayed very  
16 busy in my absence. They reviewed plans for the City  
17 of West Monroe that I had mentioned before for getting  
18 Graphics Packaging off of the Sparta. West Monroe is  
19 investigating piping effluent treated to potable  
20 standards to Graphics Packaging for use at their paper  
21 mill. Ultimately it is hoped that the amount of water  
22 sent to the mill will be around 10 millions gallons a  
23 day. The staff also worked on researching the  
24 requirements with permitting reservoirs.

25 In the beginning of February I attended a meeting  
26 of the Lower Sabine River Authority Inflow Study Group  
27 in Orange. Also in February staff attended DEQ's  
28 quarterly groundwater meeting, and I met with SRA-  
29 Louisiana staff to discuss water supply matters.

30 Last Monday the Task Force met and discussed the



1 proposed revision to the definition of large-volume  
2 wells. That night I traveled to Delhi and toured the  
3 Poverty Point Reservoir on Tuesday. We are interested  
4 in the construction of the reservoir and the status of  
5 the 17 wells that were drilled around the lake.  
6 Thirteen of the wells have been plugged and the  
7 remaining four haven't been used since assisting in  
8 filling in the lake in 2003.

9 Last Wednesday I met with the Louisiana Rural  
10 Water Association in Alexandria and explained to them  
11 the Draft Order on the Sparta. Finally, I made a  
12 presentation, along with Mr. Durrett, at DEQ's Annual  
13 Environmental Conference in Lafayette last week.

14 Daily staff activities include responding to  
15 Solicitation of Views requests from the Geological  
16 Division, of which there have been 52 since the last  
17 Commission meeting; evaluating water well notification  
18 forms, we've received an additional 132; communicating  
19 with owners and drillers on well status and  
20 registration; working on developing rules and  
21 regulations; and investigating saltwater encroachment  
22 in the Sparta Aquifer. Most of the saltwater work was  
23 done by Bill Walter of my staff.

24 Bill, would you like to get up and say a few  
25 things about the saltwater investigations?

26 MR. WALTER:

27 As Tony said, I'm working on the Sparta,  
28 specifically a scientific approach to the two big  
29 issues of the Sparta: the water level decline due to  
30 the large pumping over the years, and also the big

1 concern for saltwater encroachment. The first issue,  
2 the declining water levels, I've been working on a  
3 presentation, it will probably be a PowerPoint slide  
4 show that will demonstrate how water use has affected  
5 the water levels regionally, and then I'll zoom in on  
6 the three proposed critical areas to show a detail.  
7 The idea is to provide a visual of the problem rather  
8 than just hearing someone say the levels are dropping  
9 one foot a year or two feet per year, things like  
10 that.

11 Now, with the saltwater encroachment issue I'm  
12 working on a presentation and a report describing the  
13 "saltwater wedge" and how pumping from the Sparta has  
14 affected it, and more importantly, how it will affect  
15 encroachment in the future. I think you'll find the  
16 conclusion quite interesting. I did.

17 MR. DUPLCHIN:

18 Thank you, Bill, and that ends our staff report  
19 for this quarter.

20 MR. KIRKPATRICK:

21 Does anybody have any questions?

22 MR. BAHR:

23 I picked up on something, maybe I heard you  
24 wrong, about the Sabine River Commission meeting you  
25 said you went to. Did you say it was the first  
26 meeting?

27 MR. DUPLCHIN:

28 It was the first joint meeting between SRA-Texas  
29 and SRA-Louisiana. There's a Sabine River Authority  
30 for Texas and one for Louisiana and this past year was

1 the first time those two bodies had ever gotten  
2 together for a meeting.

3 MR. BAHR:

4 I'm interested because of the ongoing efforts to  
5 pump water west from the Sabine River that would  
6 affect our estuaries. What was the 168' mean sea  
7 level issue that you referred to?

8 MR. DUPLÉCHIN:

9 Toledo Bend Reservoir was constructed during the  
10 '60s. The three primary purposes of the reservoir  
11 were water supply, hydroelectric power generation, and  
12 recreation. I found out when I was up there last  
13 month that there are no private landowners on the  
14 Louisiana side of the reservoir. All of the  
15 waterfront property is owned by the Sabine River  
16 Authority and there are lease agreements back to  
17 landowners and permits for building docks and ramps  
18 and such. Most people had gone in and built their  
19 ramps and docks such that anything below 168' mean sea  
20 level of the reservoir, they couldn't use the lake,  
21 they couldn't launch their boats or the water was away  
22 from their dock or something. So all of a sudden  
23 recreation took over as number one of the reservoir,  
24 number one priority.

25 The power plant normal pool level is 172' for  
26 power generation. They can generate as low as, I  
27 believe 165'. A law was passed in 2003 that  
28 prohibited, with certain exceptions, power generation  
29 below the 168' mean sea level. It was passed in  
30 Louisiana. Texas has no similar law, and the power

1 generating plant in the dam is on the Texas side of  
2 the state line. So there was a lot of discussion  
3 about that.

4 Louisiana uses more of the shoreline for  
5 recreation than Texas does. The Sabine National  
6 Forest borders up against most of the shore in Texas  
7 so there's not as much commercial development.

8 MR. KIRKPATRICK:

9 Questions? Mr. Durrett.

10 MR. DURRETT:

11 Pardon me, but Bill is doing what study on the  
12 Sparta?

13 MR. DUPLCHIN:

14 The staff is doing an independent study using  
15 USGS data to look at saltwater encroachment in the  
16 aquifer.

17 MR. DURRETT:

18 He mentioned decline in the aquifer and visual  
19 information. Is he using the information that was  
20 done in the study that we had done?

21 MR. WALTER:

22 I am using some of the information. There isn't  
23 anything new in what I plan to present as far as water  
24 levels declining, but I'm attempting to make it easy  
25 to see what the problem is.

26 MR. DURRETT:

27 You mentioned there were no visuals. There was a  
28 flow model that was done in the study that we did that  
29 had a visual rendering of what happens over the next  
30 20 years and there was some information in that study

1       that was visual. That's what I didn't understand.

2       MR. WALTER:

3             I did not plan to present that. I can include  
4       it.

5       MR. DURRETT:

6             No. I just wondered why -- you said there wasn't  
7       any visual information. There's a booklet that thick  
8       with facts and figures in it, and I didn't quite  
9       understand what you were -- what you meant.

10      MR. WALTER:

11             I have reviewed the report, and I -- well, I have  
12      gotten some information from it. I'm not sure that  
13      I'm going to discuss that because I'm preparing  
14      slides, basically. I can certainly answer questions  
15      about it.

16      MR. DURRETT:

17             What do you mean you're not going to discuss it?  
18      Discuss the study?

19      MR. WALTER:

20             I had not planned to discuss the study, no, sir.  
21      I can do that.

22      MR. DURRETT:

23             Are we saying the study is not relevant then?

24      MR. WALTER:

25             Oh, it's very relevant. I'm doing something  
26      different. You think I should include the study in  
27      that, Tony?

28      MR. DUPLCHIN:

29             What we're doing is, as I said before, an  
30      independent look into the problems in the Sparta. In

1 the original application that came in with the Sparta  
2 it asked specifically that saltwater intrusion not be  
3 considered, and we have felt that that is a major  
4 problem up there and are starting to look into that  
5 problem.

6 MR. DURRETT:

7 I'm not taking issue on the saltwater part. I  
8 agree, it needs to be done. Of course, USGS, we're  
9 partner with USGS now to do the continuing study of  
10 the saltwater intrusion. The Sparta Commission is  
11 funding half of that and USGS is funding half of it,  
12 and hopefully that information you are utilizing,  
13 which is, I think, independent, USGS is doing.

14 Now, the other part about the decline is what's  
15 bothering me. You're saying you're doing an  
16 independent study. We feel like we had an independent  
17 study done, it was done by professional engineers and  
18 geologists, which I think was independent. It was  
19 funded by the state and there was \$450,000 spent on  
20 that study.

21 MR. DUPLCHIN:

22 We are in no way saying that that study was not  
23 good and not valid.

24 MR. WELSH:

25 Tony, would it be correct in saying that Mr.  
26 Durrett's study is part of our record?

27 MR. DUPLCHIN:

28 The study is very much part of the record for the  
29 application.

30 MR. WELSH:

1           And it will be considered, it is being considered  
2       in the decision on the critical nature of the Sparta  
3       aquifer?

4       MR. DUPLÉCHIN:

5           Yes.

6       MR. WELSH:

7           So that's the case. What this is is an  
8       additional study during the comment period; is that  
9       right?

10      MR. WALTER:

11           Actually, it isn't a study, the water level  
12      decline. I am just getting information together to do  
13      a presentation. I'm not adding anything new to it.  
14      The report that was done is absolutely valuable. I  
15      found it quite good.

16      MR. DURRETT:

17           First of all, Commissioner, it's not Mr.  
18      Durrett's study, it's the Sparta's study.

19      MR. WELSH:

20           I'm sorry, the Sparta Commission study.

21      MR. DURRETT:

22           But are we waiting on this to make a  
23      determination, is that what we're saying, on the  
24      application? I don't know what the purpose of this  
25      is.

26      MR. WELSH:

27           The answer should be no. The comment period is  
28      closed.

29      MR. DUPLÉCHIN:

30           The comment period is closed, and I will be going

1 over where we stand on the Sparta application here  
2 shortly. While we're doing this, this is what this  
3 division was created for, to look at the effects of  
4 groundwater withdrawals throughout the state.

5 MR. DURRETT:

6 And who is the presentation going to be made to?

7 MR. DUPLUCHIN:

8 It's not a presentation -- the purpose of it  
9 isn't to put a presentation together to go public  
10 with. It may just be for our own information.

11 MR. WALTER:

12 I have been told to learn everything I can about  
13 the Sparta in case people have questions, so that's  
14 basically what I'm doing.

15 MR. DURRETT:

16 Maybe I misunderstood that.

17 MR. WALTER:

18 And I am making a presentation that can be given  
19 to the general public, it doesn't need to be, but  
20 that's kind of a minor issue of it, the presentation  
21 part.

22 MR. WELSH:

23 Let me make something clear. The study you're  
24 doing is not going to be considered in the decision on  
25 the critical nature of the Sparta aquifer, that's  
26 correct, because the comment period is closed. Okay?  
27 So I want that to be clear.

28 MR. KIRKPATRICK:

29 Mr. Bolourchi?

30 MR. BOLOURCHI:



1 Bill, from what I heard, you're basically going  
2 to use the available information to make a  
3 presentation; is that a correct --

4 MR. WALTER:

5 For the water level decline, that's correct. For  
6 the saltwater wedge I'm doing some of my own research.

7 MR. BOLOURCHI:

8 Because saltwater encroachment requires a lot  
9 more effort than the scope that you just mentioned.

10 MR. WALTER:

11 It does. I've spent quite a bit of effort on it.

12 MR. BOLOURCHI:

13 So you will have some new stuff, or you're going  
14 to use the existing and available information?

15 MR. WALTER:

16 I'm going to use available information, but I'm  
17 going to conclude something that I think has -- I have  
18 concluded something that I think not many people know  
19 about.

20 MR. BOLOURCHI:

21 Based on available information?

22 MR. WALTER:

23 That's correct.

24 MR. BOLOURCHI:

25 Thank you.

26 MR. KIRKPATRICK:

27 Any other questions? (No response.) We'll move  
28 on to old business.

29 MR. DUPLÉCHIN:

30 Thank you. The first item up under old business

1 is an update on the Sparta Critical Groundwater Area  
2 Designation. The comment period for the Draft Order  
3 declaring three areas of the Sparta to be critical  
4 groundwater areas originally was to end on Monday,  
5 November 8th. It was extended 30 days to Wednesday,  
6 December 8th. During the comment period 33 written  
7 comments were received. During the three public there  
8 were also -- or there were an additional 33 verbal  
9 comments made. These comments were taken into account  
10 for our final recommendations to the Commissioner. I  
11 feel that the recommendations made were based on good  
12 management practices and scientifically sound data  
13 gathered from the application, the participants in the  
14 public hearings and other relevant information, and  
15 the final decision now rests with the Commissioner.

16 MR. DURRETT:

17 May I ask a question? Mr. Commissioner, can you  
18 give us some idea of the timetable of when we'll have  
19 the decision?

20 MR. WELSH:

21 It should be soon, Mr. Durrett.

22 MR. DURRETT:

23 Soon, like, 30 days?

24 MR. WELSH:

25 Hopefully.

26 MR. DUPLÉCHIN:

27 The second item is an update on the proposed  
28 language for the creation of regional water bodies,  
29 and I'm going to ask Tim to come up and go over that.  
30 I've had him format that language as it would be

1 presented to the State Register. It has not yet been  
2 sent over there, and we're hoping to get it in. First  
3 have to do an impact statement to the Legislative  
4 Fiscal Office, and that will be sent over on the 20th  
5 of this month. You will note that we took the  
6 definition of large-volume well out of this proposal.

7 MR. SEILER:

8 For the Notice of Intent that was going to be  
9 forwarded, there have been no changes from the last  
10 discussion at the Commission meeting. You may notice  
11 in your packet definition of Water Resource Advisory  
12 Group is in red. That's simply because it's an  
13 addition to a section that was already promulgated.  
14 And Chapter 9 is in black because it's a new session.  
15 But there are no further changes from what we  
16 discussed at the last Commission meeting.

17 The timeline for the submittal, we've already  
18 submitted the fiscal and economic impact statements  
19 for signature, and as soon as we get that back we'll  
20 submit that to the Office of State Register by March  
21 20. When we get the signed form back, the NOI will be  
22 submitted to the Office of State Register on April  
23 10th for publication on April 20.

24 There's a 20-day notice in which the public could  
25 request a hearing, however, we always schedule the  
26 public hearing at the time the Notice of Intent is  
27 published, and that date is to be determined, but it  
28 will be within 35 to 40 days of the publication of the  
29 Notice of Intent.

30 After the Notice of Intent is published -- after

1 the public hearing, rather, a second report needs to  
2 be sent to the oversight committees. There's no  
3 timeline for this, however, to meet the July 10th  
4 deadline we would need to complete it by May 31st and  
5 turn it in to the oversight committees so they can  
6 decide whether or not they want to have a meeting,  
7 which needs to be no earlier than five days and no  
8 later than 30 days after the submission of the second  
9 report. After the committee meeting it's just a  
10 matter of -- assuming the changes are just minor --  
11 get the final into the Office of State Register by  
12 July 10 for promulgation on July 20th.

13 That's all I have for the timeline.

14 MR. DUPLÉCHIN:

15 Any questions on the proposed language?

16 MR. KNOCHENMUS:

17 I have one.

18 MR. KIRKPATRICK:

19 We'll go to Mr. Knochenmus.

20 MR. KNOCHENMUS:

21 Tim, I guess what -- maybe I'm confused here a  
22 little bit, but as you know, I represent Capital Area  
23 Groundwater Conservation District. Is that considered  
24 one of these five regional bodies?

25 MR. SEILER:

26 No, sir, it's not. It could be a member of one  
27 of them, but it's not in and of itself one of the  
28 regional bodies.

29 MR. KNOCHENMUS:

30 Thank you.

1 MR. CEFALU:

2 The membership of the Regional Water Resources  
3 Advisory Group, although you have parish governments  
4 in there, which really satisfies my group, I think you  
5 need to broaden that a little bit to say regional  
6 governments, because you have some parishes with large  
7 cities and sometimes, politically, they don't get  
8 along, and I wouldn't want to see some kind of problem  
9 with that. Other than that, you don't want to  
10 lengthen the list, there's enough as it is, but I  
11 guess if they just put "regional governments to  
12 participate" would probably work better. I'm just  
13 speaking from experience, guys.

14 MR. SEILER:

15 I don't have the breakdown in front of me for  
16 each -- the boundaries of each group, but there's  
17 going to be five -- we have the authority to appoint  
18 up to five different regional advisory groups and each  
19 one will have -- each one has several parishes in it.  
20 And we passed out the map at the last commission  
21 meeting. I could get one forwarded to you, but is  
22 that what you're talking about, the different parish  
23 governments within that region?

24 MR. CEFALU:

25 No, I'm talking about the local governments, like  
26 the cities and towns that are going to want to  
27 participate also, and according to this, technically  
28 they're not included.

29 MR. SEILER:

30 Okay.

1 MR. KIRKPATRICK:

2 Tony, do you have any thoughts about that? Is  
3 that something we can --

4 MR. DUPLECHIN:

5 That's something we can definitely put in. This  
6 is -- even though this is something that we presented  
7 to you, this is still a draft. Once it gets over to  
8 the State Register it's still open for public  
9 comments.

10 MR. KIRKPATRICK:

11 Ms. Walker?

12 MS. WALKER:

13 I just noticed in the language that this list is  
14 not exclusive because it says "shall be composed of  
15 local stakeholders representative of current users  
16 including but not be limited to representatives of."  
17 So I think the cities could get -- and the regional  
18 governments would be a logical addition.

19 MR. CEFALU:

20 I represent parish government and it doesn't  
21 bother me.

22 MR. KIRKPATRICK:

23 Any other thoughts on that? Mr. Knochenmus?

24 MR. KNOCHENMUS:

25 Tony, just thinking about this a little bit  
26 further in terms of Southern Hills regional or aquifer  
27 system, regional aquifer system, when you thought  
28 about the five regions, surely the Southern Hills  
29 would have been included.

30 MR. DUPLECHIN:

1 Yes.

2 MR. KNOCHENMUS:

3 Do you feel -- I mean, the Capital Area  
4 Groundwater Conservation District operates very  
5 differently than the outline here, and I don't quite  
6 get a feel for how you plan to relate to Capital Area  
7 Groundwater Conservation District.

8 MR. DUPLÉCHIN:

9 The easiest thing for me to do is to read to you  
10 from the statute what is to be considered in setting  
11 up these regional water groups.

12 The statute says that (reading) the Commission,  
13 which is this body, may direct the Commissioner to  
14 promulgate rules and regulations for the appointment  
15 or designation of up to five regional bodies based on  
16 the general location of the major aquifer systems and  
17 water sources of the state and composed of local  
18 stakeholders who are representative of current users.  
19 Such bodies may gather data and provide local input to  
20 the Commission and the Commissioner.

21 I think I'm safe in saying that when the  
22 legislation was drafted it was looking at much broader  
23 areas than would be covered by the Capital Area  
24 Groundwater Commission for the Southern Hills and the  
25 area right here around Baton Rouge.

26 MR. KNOCHENMUS:

27 So you feel that there would be no need to extend  
28 this to somehow make it workable between the district  
29 and the water resources division in terms of how they  
30 relate and interact?

1 MR. DUPLECHIN:

2 The District being Capital Area?

3 MR. KNOCHENMUS:

4 No, the District being Groundwater Resources.

5 MR. DUPLECHIN:

6 Regional?

7 MR. KNOCHENMUS:

8 No, your --

9 MR. DUPLECHIN:

10 My division.

11 MR. KNOCHENMUS:

12 Your division.

13 MR. DUPLECHIN:

14 You said District and then you said -- so I need  
15 to know which two entities you're talking about.

16 MR. KNOCHENMUS:

17 The relationship between the Division and Capital  
18 Area.

19 MR. DUPLECHIN:

20 We can certainly -- we already communicate with  
21 Capital Area Groundwater Commission. I'm not sure I  
22 follow where your problem is.

23 MR. KNOCHENMUS:

24 As I read what this Notice of Intent, there are a  
25 lot of things in there that would not fit the  
26 relationship that we would have, and so I was just  
27 wondering if that's going to be developed or written  
28 or any kind of a document on the relationship?

29 MR. DUPLECHIN:

30 That's assuming Capital Area Groundwater



1 Commission is one of these five bodies?

2 MR. KNOCHENMUS:

3 Even if it isn't.

4 MR. DUPLCHIN:

5 There is a part of the Act 49 that amends the  
6 legislation that Capital Area Groundwater Commission -  
7 - that formed Capital Area Groundwater Commission  
8 saying that that Commission will work with the  
9 Commissioner of Conservation, which I think covers  
10 everything. The statute that created Capital Area,  
11 No. 24, was added under 38:3076(A) which states, "to  
12 advise and consult with the Commissioner of  
13 Conservation and the Ground Water Resources Commission  
14 on matters that impact water resources within the  
15 Board's jurisdiction."

16 MR. KNOCHENMUS:

17 Give me that number again, would you, Tony.

18 MR. DUPLCHIN:

19 Revised Statute 38:3076(A)24.

20 MR. KNOCHENMUS:

21 I think I won't pursue it anymore, but it sounds  
22 like the wording might be somewhat loose. I think we  
23 probably need to work on that.

24 MR. DUPLCHIN:

25 This wording or the wording in the statute?

26 MR. KNOCHENMUS:

27 Using that wording to develop maybe a better  
28 understanding of what that really means between the  
29 two agencies.

30 MR. KIRKPATRICK:

1 Any other questions about that issue? (No  
2 response.) Okay.

3 MR. DUPLÉCHIN:

4 At the last Commission meeting concern was  
5 brought up by Audubon Society, I believe, over the  
6 possible proliferation of reservoirs throughout the  
7 State of Louisiana, and the Commission directed the  
8 staff to do some research into just how it was that  
9 reservoirs were permitted. So Tim has put together a  
10 report and I'm going to ask him to give it right now.

11 MR. SEILER:

12 In your packet there's a three-page report. Just  
13 for a statement I've just summarized it briefly here.

14 In response to comments by the Sierra Club, Delta  
15 Chapter, regarding the development of so many  
16 reservoirs in the state, this Commission requested  
17 that the Ground Water Resources Division conduct an  
18 investigation to identify the primary agencies and  
19 processes involved in funding and permitting a  
20 reservoir in the state of Louisiana. This  
21 investigation is only intended as a general overview  
22 of the legal and technical processes of establishing a  
23 reservoir.

24 The Division's investigation found that no one  
25 agency, federal or state, manages the entire reservoir  
26 application process from inception to construction.  
27 Instead, several federal and state agencies review the  
28 project and determine the impacts within their  
29 jurisdiction; however, the entire process seems to be  
30 focused around the United States Army Corps of

1 Engineers for opinions and comments on the  
2 application.

3       Once the process begins there appears to be very  
4 little that can stop it. The Corps of Engineers can  
5 deny permits if an aquatic environment is impacted;  
6 the Department of Wildlife and Fisheries can stop the  
7 process if an endangered species or a navigable  
8 waterway is threatened; and the Louisiana Division of  
9 Archeology may conduct an investigation to determine  
10 if an area is eligible for inclusion in the National  
11 Register of Historic Places. If an area is determined  
12 to be eligible for inclusion in the National Register  
13 of Historic Places, the Department of Archeology,  
14 subsequent scientific investigations may take a long  
15 time, prolonging the effort. A more detailed  
16 discussion of each responsibilities is presented in  
17 your packet.

18       Regarding hearings, if the reservoir is to be  
19 considered a local issue by the Louisiana Legislature,  
20 a public Notice of Intent is published in the local  
21 parish paper 30 days prior to submittal of the bill,  
22 but the bill is the only requirement before the  
23 legislature may consider the bill. This notice is  
24 only required to discuss the subject matter and does  
25 not have to provide contact information, nor is a  
26 public hearing required before the bill is proposed.  
27 The only opportunity for the public to comment on the  
28 bill is at the legislative committee hearing. If the  
29 reservoir is not considered a local issue, then no  
30 Notice of Intent is required. In either case it is

1 possible that a bill can pass and be funded without  
2 any public hearing, other than the legislative  
3 committee hearings, completed construction plans or  
4 any permits acquired.

5 The Department of Transportation and Development  
6 and Army Corps of Engineers do require public hearings  
7 but only after the permitting process begins. The  
8 Department of Environmental Quality may require a  
9 public hearing under Section 401 of the Clean Water  
10 Act if dredging is involved.

11 Other issues raised by the Sierra Club is that  
12 private property can be taken, expropriated, if the  
13 owner is not willing to sell. All the districts  
14 mentioned by the Sierra Club's letter that are  
15 included in Revised Statutes have expropriation -- can  
16 expropriate private property. This investigation has  
17 revealed that no federal or state agency questions --  
18 questioned researches the impact on the number of  
19 properties that would have to be sold or expropriated,  
20 nor is the effect on the flood zone designations that  
21 a new reservoir could have on the subject area  
22 investigated; however, the community may consult with  
23 the Federal Emergency Management Area while the  
24 project is still being proposed.

25 A reservoir that causes flood zone changes may  
26 raise the cost of living for those homeowners that do  
27 not have to relocate resulting in the possible  
28 devaluation of their property. Even if it is to be  
29 argued that their property value will increase because  
30 of the reservoir, the property owners may still have

1 to pay more for where they live because of higher  
2 flood insurance rates and/or property taxes. That's  
3 pretty much just a brief summary of what we found.

4 MR. KIRKPATRICK:

5 Any questions about that? (No response.) Any  
6 thoughts about the issue? (No response.) I guess  
7 for now that will be it.

8 MR. DUPLÉCHIN:

9 Thank you, Tim.

10 MR. SPICER:

11 Where do we go from here now that we have this  
12 information, or are we just through with it?

13 MR. DUPLÉCHIN:

14 The Commission just asked us to investigate it  
15 and report back.

16 MR. SPICER:

17 Thank you.

18 MS. WALKER:

19 Tony, I would like to comment -- request that  
20 this information be shared with the task force, they  
21 should get copies of Tim's report, and maybe let him  
22 make the same report to them, because I think it will  
23 figure in the long term with what they look at.

24 MR. DUPLÉCHIN:

25 We will look through the report and make sure  
26 everything's grammatically correct and properly  
27 presented and we will e-mail it out to the task force  
28 members and possibly post it on the Web site as well.

29 MR. SPICER:

30 I have one more comment. If we're going to do

1 that, then I think we'd better make sure that everyone  
2 understands our limitations in dealing with these  
3 issues, because I don't want a group of us going out  
4 beyond where we're supposed to be.

5 MR. DUPLÉCHIN:

6 Right. We'll put the proper caveats on the  
7 posting.

8 The final item under old business is discussion  
9 of proposed language for definition of a large-volume  
10 well. As I mentioned earlier the staff met with the  
11 task force last Monday and we discussed the proposed  
12 definition. Concerns focused around the rule being  
13 too broad by considering that any sized well could be  
14 a large-volume well under certain conditions and how  
15 one would define adverse hydrologic effects. It was  
16 also expressed that the power to order spacing of  
17 wells granted to the Commissioner would probably  
18 address what our concerns were.

19 After reviewing the comments made during the  
20 meeting I've decided that the definition of large-  
21 volume well as we had proposed it is not warranted. I  
22 will add that Commission member Darwin Knochenmus has  
23 suggested that we consider expanding the definition of  
24 large-volume well to include a reference to screen  
25 size. So we will be looking at his recommendations  
26 and possibly down the road presenting some further  
27 language to the Commission once we discuss it both  
28 amongst ourselves and with Mr. Knochenmus.

29 And that is all we had under old business.

30 MR. KIRKPATRICK:

1 Any other questions under old business? Mr.  
2 Spicer?

3 MR. SPICER:

4 Tony, is it possible for y'all to decide what  
5 these issues are and within the current authorities,  
6 without having to come back and redoing the  
7 definition? I mean, it seems to me if you're  
8 concerned about placement of wells and withdrawals,  
9 that you have enough authority already without talking  
10 about screen size and this kind of thing. You could  
11 put that in your own management --

12 MR. DUPLECHIN:

13 We'll investigate that as well.

14 MR. KIRKPATRICK:

15 Okay.

16 MR. DUPLECHIN:

17 The first item under new business is development  
18 of a Statewide Water Management Plan. During the past  
19 few months Commission Chairman Kirkpatrick has  
20 inquired as to the status of the development of a  
21 statewide groundwater resource management plan.  
22 According to the statute this plan is to include but  
23 not be limited to an evaluation of the state's water  
24 resources including current and projected demands;  
25 development of a water use conservation program; study  
26 of alternatives to groundwater use, such as surface  
27 water; to include treatment and transmission systems  
28 and reclaimed water; incentives for conservation; use  
29 of alternative technologies, and education and  
30 conservation programs. Furthermore, the plan should

1 stress conservation as the primary mechanism for  
2 protection of the state's groundwater resources.

3 While some of the matters required in the plan  
4 were addressed in the Fenstermaker report that was  
5 accomplished under the old commission, much more work  
6 is left to be done. We have discussed the possibility  
7 of contracting out the remaining work. Of course,  
8 adequate funding would be necessary for such an  
9 undertaking and our current budget would preclude  
10 this. We have a vast collection of expertise in both  
11 the Commission and the task force, and I would like to  
12 propose that the task force meet to discuss this issue  
13 and report back to the Commission at the next  
14 Commission meeting.

15 I've included in your packets language in the  
16 statute on this that is directed to each entity, those  
17 entities being the Commissioner, the Commission and  
18 the task force. That's the one -- I don't see it.  
19 Looks like this, at the top it says, Item 4A,  
20 Development of Statewide Water Management Plan, and  
21 this is taken directly from the statute; three  
22 different ways of saying the same thing.

23 One final thing, if you look at the way I listed  
24 it in new business, Development of a Statewide Water  
25 Management Plan, ultimately we're not going to be able  
26 to separate ground water and surface water. They're  
27 connected both physically and by usage. So I think it  
28 would save a lot of time if from the outset we did  
29 consider ground water and surface water as one  
30 complete unit when developing this management plan.



1 And I will be sending e-mails out to the task force to  
2 get them together along these lines.

3 MR. KIRKPATRICK:

4 Does anybody have any thoughts about that? I  
5 think it would be valuable for the task force -- I  
6 think that's a good suggestion for the task force to  
7 meet and to provide us recommendations, but I also  
8 feel like the folks on this commission certainly could  
9 provide some important thoughts and ideas about how we  
10 can come about and develop that plan. Does anybody  
11 have any initial thoughts about gaps that we have now?

12 MR. CEFALU:

13 I'd just like to say one thing. We sent proposed  
14 language for the large-volume well to the task force.  
15 I assume -- I was under the impression today we were  
16 going to take some action on that. We have nothing.  
17 Now, unless we can get them to be specific at solving  
18 the problems at that level, which, I know there's a  
19 lot of people on the task force that get, I think,  
20 more into the individual problems that we have in the  
21 state with ground water and surface water, but we  
22 can't keep -- I feel that I'm wasting my time if I  
23 don't have anything to act on. So we need to have --  
24 if it's not going to be the task force it's going to  
25 be us, let's beat it up and let's get a definition  
26 done that's acceptable by the Commissioner and all the  
27 state bodies or whatever.

28 But if we're going to send, again, another  
29 proposal to the task force, what if they come back  
30 saying they haven't made a decision on anything. Are

1 we just going to just go back and forth with this?

2 MR. KIRKPATRICK:

3 Now, I guess this is a separate issue from the  
4 definition of large-volume wells now that we're  
5 talking about.

6 MR. DUPLECHIN:

7 The task force met last week, and I don't  
8 remember the exact number of people that were there  
9 representing the task force, but I do feel safe in  
10 saying that 100 percent of them told us that we did  
11 not need to change the definition of large-volume  
12 well.

13 MR. CEFALU:

14 I hear you, but I don't see that in this report  
15 or this agenda.

16 MR. DUPLECHIN:

17 I just read it to you under item III(D.)

18 MR. CEFALU:

19 It says discussion -- I don't have a III(E) on my  
20 agenda.

21 MR. DUPLECHIN:

22 III(D), Discussion of the proposed language for  
23 "Large Volume Well."

24 MR. CEFALU:

25 I must have missed that. But if they're saying  
26 we don't need to change it, then why aren't we acting  
27 on that today?

28 MR. DUPLECHIN:

29 I'm not sure I follow you.

30 MR. CEFALU:

1           If we don't need to act on it it's not changed  
2           and we don't have to do anything.

3           MR. DUPLÉCHIN:

4           There is a definition of large-volume well. We  
5           were proposing to redefine large-volume wells, and we  
6           have withdrawn that proposal.

7           MR. CEFALU:

8           Okay, so we finished with that.

9           MR. DUPLÉCHIN:

10          That item is over.

11          MR. KIRKPATRICK:

12          And now we've moved to the management plan. Are  
13          there any thoughts? I guess I've had the opportunity  
14          to talk with Commissioner Welsh and Tony about this  
15          lately. I think this is an important -- I think we  
16          probably have some gaps in the way that we are looking  
17          at water management now, and I think one of our  
18          charges here as part of this commission is to continue  
19          to develop that plan.

20          If any of you have taken a look at the  
21          Fenstermaker report, that's certainly a start and  
22          provides a foundation for some of the water uses and  
23          water needs in the state, but I certainly think for us  
24          to -- I think on a monthly basis we have questions  
25          that come up, and Tony can attest to this, and we  
26          don't have the background or the guidance,  
27          necessarily, to know exactly where to take those  
28          issues.

29          And so I think perhaps if we go to the task  
30          force, let them brainstorm about some of the issues,

1 maybe at the next meeting hopefully y'all can put some  
2 thought into maybe what elements you feel like need to  
3 be part of that groundwater management plan. I guess  
4 we've talked about how it probably needs to be, at  
5 some level, contracted out to somebody to handle a  
6 number of the technical details, and funding would be  
7 perhaps a bit of a challenge, but at the time we  
8 probably have enough resources in this room to where  
9 we could assist on some of elements of that management  
10 plan.

11 So if any of y'all have ideas about that, perhaps  
12 any of the universities that could help or any of your  
13 agencies that might be able to help in the development  
14 of that plan, I think that would be very valuable.

15 MR. DURRETT:

16 Scott, one comment, just a comment. In our  
17 development of Sparta we have gone through some of  
18 these things, and I totally agree we need a statewide  
19 plan. Incentives for conservation, that was one of  
20 the things in our application for a critical  
21 designation we had asked for, and hopefully we can get  
22 something done on that. The other is education and  
23 conservation programs. I understand in our area, in  
24 Sparta, that the LSU Ag Center has already set up a  
25 position for a person to do this, it's just not  
26 funded. And we feel like that's important to Sparta,  
27 and I'm sure it's important to all the aquifers in the  
28 state. So I think it's very good -- something we need  
29 to do statewide and we're trying to do in the Sparta,  
30 and we'll be glad to assist in anyway possible. And

1 if you can assist us in getting that position funded,  
2 we'd appreciate it.

3 MR. KIRKPATRICK:

4 Who did you say, LSU?

5 MR. DURRETT:

6 It's LSU Ag Center.

7 MR. NAMWAMBA:

8 Commissioner Fulbert Namwamba. First, many  
9 apologies for being late. I just lost my father day  
10 before yesterday, so please understand. I just wanted  
11 to comment, before we go in a certain direction we  
12 need to know how far we've gone, we need to know where  
13 we are and therefore decide where we're heading to.

14 We do have the C.H. Fenstermaker plan. I think  
15 it would help to identify how far it went, where it  
16 put us, what we feel it does not cover, because I know  
17 it was done very quickly and under pressure of time,  
18 so that's understandable, and then before we decide  
19 what direction we're going to let's define exactly  
20 who. Otherwise we'll end up every two years making a  
21 new plan, a new plan, a new plan. So let's sit down  
22 and see which areas to address. We do not need to  
23 reinvent the wheel; see what parts of the wheel are  
24 missing and which direction to go to.

25 MR. DUPLECHIN:

26 Excellent suggestion. We will double check with  
27 the members of the task force. Who has a copy of the  
28 report? I know we did not send paper copies out to  
29 everyone on the old task force, but we did send out  
30 copies on CD-ROM. There are new members of both the

1 Commission and the task force and we'll make sure that  
2 everyone has a copy of the Fenstermaker report to look  
3 through and get a feel for what has already been done,  
4 and we will definitely sit down and chart where we  
5 need to go with this thing before we start taking  
6 action.

7 MR. KIRKPATRICK:

8 I think, perhaps, Tony, would it be possible to  
9 get maybe a broad overview from y'all at the next  
10 meeting about issues that the Fenstermaker report  
11 addressed, and maybe possibly in addition to hearing  
12 the task force thoughts, if we could hear some of  
13 y'all's thoughts about areas that were not addressed  
14 so that we could kind of define the issue.

15 MR. DUPLECHIN:

16 We could certainly do that.

17 MR. KIRKPATRICK:

18 It's open for discussion, but I feel like we're  
19 probably in kind of a brainstorming phase right now,  
20 and so from there we'll try to get some direction.

21 MR. NAMWAMBA:

22 I suggest that Tony and company come with just a  
23 three-page or a two-page summary that will outline how  
24 far it went, if it had any shortcomings or things to  
25 be covered, and which areas they feel would need to be  
26 addressed to make it make sense. That will help us  
27 and save us from reinventing the wheel a hundred  
28 times.

29 MR. KIRKPATRICK:

30 And certainly in deference to the Fenstermaker

1 report, it was targeted specifically for certain  
2 things, and so we're not talking about the  
3 deficiencies of the report itself, but maybe its  
4 deficiencies in allowing us what we want to do now.  
5 Any other thoughts or questions?

6 MR. ROUSSEL:

7 Scott, just to fill in, also if in that summary  
8 you could identify what options exist to go forward.  
9 Because one thing I do notice in here, the Commission  
10 has a mandate to hold public hearings and consult with  
11 local governments, and I'd be interested in hearing  
12 from the staff recommendations specifically with  
13 respect to those things, suggesting to the Commission  
14 how to go about doing that and what would be the  
15 appropriate time to have public hearings, to consult  
16 with local governments, et cetera.

17 So I think in addition to defining deficiencies  
18 and trying to map where we're going, laying out some  
19 options about how to get where we're going, because  
20 there's probably various options we could use.

21 MR. KIRKPATRICK:

22 Tony, do you anticipate that you'll have somebody  
23 from the task force present their thoughts at the next  
24 meeting, or will you present that?

25 MR. DUPLÉCHIN:

26 If we are being asked to present our thoughts as  
27 well as those from the task force, I would rather have  
28 a representative of the task force or maybe  
29 representative of each committee on the task force  
30 make a presentation.

1 MR. KIRKPATRICK:

2 I was thinking perhaps so that some members of  
3 the Commission, if they have thoughts beforehand, if  
4 they wanted to share those with you and maybe you  
5 could incorporate those into your presentation too,  
6 that might be helpful, so we don't have so much to  
7 discuss at the next meeting. So before the next  
8 meeting if you do have any thoughts, if you want to  
9 send those to Tony.

10 MR. DUPLECHIN:

11 Just e-mail those to me.

12 MR. KIRKPATRICK:

13 E-mail to Tony. We'll certainly have an  
14 opportunity to talk at the next meeting, but if you  
15 can get your thoughts in early it will probably help  
16 us kind of structure the discussion. Ms. Walker?

17 MS. WALKER:

18 I was wondering if we could ask the task force to  
19 maybe kind of re-brainstorm on what the general areas  
20 would need to be addressed, that ought to be the first  
21 step to go into, and they might decide to realign  
22 themselves in different committees, different  
23 approaches than what we had previously. Because  
24 certain tasks might be able to be dropped and then  
25 reform groups, and if they can identify kind of global  
26 areas, and also need to be thinking about the fact  
27 this needs to be done in kind of a deliberative manner  
28 where it does include hearings down the road, et  
29 cetera, so we aren't doing some fast things that maybe  
30 we might regret. You know, this is a wonderful, big



1 step and it shouldn't be taken with quick fixes, I  
2 think.

3 MR. DUPLÉCHIN:

4 The second item of new business refers to a  
5 question we had last month concerning ground water,  
6 and Commissioner Gautreaux said that she would get us  
7 some information on DEQ's groundwater certification  
8 this month. Unfortunately, Commissioner Gautreaux is,  
9 I believe, in DC today, so she asked Lou Buatt, DEQ  
10 general counsel, to make the presentation for her.

11 MR. BUATT:

12 Good afternoon, Commissioners. I'm Lou Buatt,  
13 general counsel with DEQ. I've been asked to come  
14 here and talk with you all a little bit about the  
15 Department's groundwater certification program.

16 Basically, the focus of this program is to  
17 protect the groundwater resources of the state. In  
18 1989 the then Secretary of DEQ, Dr. Paul Templet,  
19 issued a memorandum to address construction in areas  
20 of known or suspected contamination. Initially, at  
21 that time there were some draft regulations. For  
22 whatever reason those regulations were not promulgated  
23 and this policy memorandum was issued and this  
24 groundwater -- and this policy memorandum is what  
25 establishes the groundwater protection program the  
26 Department has been implementing since 1989.

27 This groundwater protection program requires the  
28 evaluation of environmental conditions and proposed  
29 construction activities to determine if there are  
30 protective measures needed or if there are alternate

1 locations that would be more suitable for the proposed  
2 construction. The aim of the groundwater protection  
3 certification, the groundwater certification program,  
4 is to prevent the exacerbation of existing  
5 environmental contamination or to make sure that  
6 remediation is not prevented or inhibited. For  
7 instance, if you have an area of proposed  
8 construction, you have a shallow groundwater zone and  
9 you have contamination in that zone, you have a  
10 confining layer, and then below there you have another  
11 unimpacted groundwater zone, and the proposed  
12 construction would require driving a piling, say, 60'  
13 to support the foundation for the structure. Well,  
14 this program would look at whether or not driving of  
15 those pilings, that sort of activity, would exacerbate  
16 contamination, i.e., driving contamination from zone A  
17 down to an unimpacted zone, zone B.

18 The other thing that this program would look at  
19 is whether or not that activity would inhibit or  
20 prevent remediation. So if you have a source to  
21 groundwater contamination and you put a large  
22 structure or building over it, you may make it  
23 impossible now to remediate that source to groundwater  
24 contamination or, you know, best case scenario, you  
25 may substantially increase the cost to address that  
26 contamination. And this groundwater certification  
27 evaluation occurs prior to the issuance of Department  
28 permits where construction is necessary.

29 Generally the company submits a groundwater  
30 certification prior to at the same time that they

1       apply for permits. By the way, the required  
2       information for groundwater certification and the  
3       submittal and mailing information are available on the  
4       LDEQ Web site under the technology division.

5               Approval of the groundwater certification request  
6       will be generally granted if there are no issues that  
7       would result in exacerbation or something would  
8       prohibit or prevent remediation. If it's not approved  
9       oftentimes what happens, there may be additional  
10      measures, protective measures that need to take place,  
11      such as investigation, relocation of the proposed  
12      activity, or it could be design modification; instead  
13      of putting down those 60' pilings, using spread  
14      footings or some other sort of engineering designs.  
15      And oftentimes those agreed -- or those concepts would  
16      be -- would be entailed in an addendum to that  
17      groundwater certification, and then that process would  
18      go forward, the groundwater certification would be  
19      issued. The Department would also copy the permits  
20      division, so the permits  
21      division would know to continue on with the permit  
22      which actually spurred the request for a groundwater  
23      certification.

24              Also, where there are -- if contamination is  
25      discovered during the course of one of these  
26      evaluations, generally that information or site is  
27      referred to the remediation division of the Department  
28      for further evaluation.

29              Recently the program, or I guess the validity of  
30      the program, has been called into question, like I

1 say, pursuant to a memorandum. Those draft  
2 regulations were never promulgated. The Department is  
3 evaluating that question and determining what course  
4 of action it may take, whether it would require or  
5 whether it would go to rulemaking procedures or not at  
6 this point.

7 That's sort of the short, the skinny or the brass  
8 tacks of the program. I'd be more than happy to try  
9 to answer any questions you may have. Also, Mr. Steve  
10 Chustz, who is sitting in for Karen Gautreaux, he  
11 could also answer questions, if you have any down the  
12 road if I'm not here.

13 MR. KIRKPATRICK:

14 Any questions? (No response.)

15 MR. BUATT:

16 Thank y'all very much.

17 MR. KIRKPATRICK:

18 We move now to Commission comments. Are there  
19 any additional comments from Commissioners?

20 MR. DURRETT:

21 Yes. Can I make --

22 MR. KIRKPATRICK:

23 Yes, sir.

24 MR. DURRETT:

25 I know you get tired of hearing about the Sparta,  
26 but I want to make just a comment or two about it. In  
27 the Sparta we've been working on this process since  
28 1997, almost eight years ago. We made application for  
29 the critical designation in 2002, almost three years  
30 ago. We feel like it's important that we get some

1 kind of resolution of this critical designation as  
2 soon as possible, so we would like to ask the  
3 Commissioner to please expedite his decision as soon  
4 as he could.

5 I'd like to just recognize two of our Commission  
6 members that are here today, Gene Coleman, who is our  
7 vice chairman of the Commission, and Olivia McDonald,  
8 and they've been in this process all these years also.  
9 So we feel like all this time the level of that  
10 aquifer is dropping and the saltwater is intruding.  
11 So we would like to ask that you please move as soon  
12 as possible.

13 MR. KIRKPATRICK:

14 Mr. Bahr?

15 MR. BAHR:

16 From the very beginning my interest in being on  
17 this commission was maybe approaching that as the  
18 surface water issues and our need to manage and  
19 conserve ground water and to be very holistic in our  
20 view of water resources of the state and especially as  
21 it relates to the deterioration of the landscape south  
22 of I-10. And, Scott, your recommendation earlier that  
23 we brainstorm in terms of developing this water  
24 management plan, I take it to mean let's all think  
25 what programs are out there; the one we just heard  
26 about, the groundwater certification I didn't know  
27 anything about. I know that DEQ has also been for  
28 many years involved in a non-point source program that  
29 is now -- we're pretty aggressively trying to relate  
30 that to a program to divert river water, Mississippi

1 river water, and our concern is that if rules come up  
2 that may make the national standards, TMDL standards  
3 that may make it difficult to divert river water where  
4 you need to. So I'm hopeful and I'm very glad that  
5 DEQ is coming to all the meetings now and we're  
6 connecting those issues. I guess I would just --  
7 this is kind of a rhetorical statement, I'd just like  
8 us all to think in as connected a way as we can. I  
9 just learned a month or so ago that the Corps of  
10 Engineers has embarked on a study called the ROMA  
11 study, I don't know if anybody here knows about it,  
12 and I'm not sure what it consists of, but it's a look  
13 at the Red, the Ouachita, the Mississippi and the  
14 Atchafalaya Rivers, and I'm trying to encourage them -  
15 - this is happening at Vicksburg at the science arm of  
16 the Corps of Engineers, and I'm hoping that can be  
17 expanded to perhaps look at questions that are very  
18 paramount to our ability to optimize flows among the  
19 various distributaries of the river system. And that  
20 may or may not be something that's very relevant to  
21 this group and maybe we should be thinking about who  
22 should come in to present new information to the  
23 Commission and the task force.

24 Just kind of a reminder, there are lots of -- and  
25 water is the integrating feature that connects  
26 everybody's interest in the whole state, so it's a  
27 good opportunity for us to really start thinking much  
28 more broader than we ever have before.

29 MR. NAMWAMBA:

30 I just wanted to comment, just for the record, I

1 did work with the 319 program of DEQ, the non-point  
2 source, so that's something I do. I've done some work  
3 for Amoco, so I would like you to, if you can, to get  
4 me the information about this project. I'm going to  
5 try to find out some information about what's going on  
6 with Vicksburg and hopefully by the next Ground Water  
7 Commission meeting I try to see if I can come with  
8 substantial information on what the implications are,  
9 because then Southern will be doing most of the GIS  
10 work for Amoco, for Vicksburg and Mississippi. So  
11 since I'm in non-point source, that's my area, I will  
12 try to see if I can get some technical information  
13 because I know you want us to connect surface to  
14 ground water because each relates to the other. I  
15 just wanted to make that plea to you. But give me the  
16 information that I can work with. Whatever you have,  
17 give me some point to start on.

18 MR. KIRKPATRICK:

19 Any other Commission comments? (No response.)

20 Any task force comments?

21 MR. DUEX:

22 Good afternoon, Mr. Commissioner, members of the  
23 Commission. My name is Tim Duex from the University  
24 of Louisiana at Lafayette, and I just wanted to recap  
25 some of the things that we've been doing on regard of  
26 this regional aquifer body in the Chicot, tentatively  
27 titled Chicot Aquifer Stakeholders Group, or CASH.  
28 Don Broussard and I, Don Broussard, the city water  
29 manager for Lafayette, and I kind of came up with this  
30 idea and with the help of numerous other people put

1 this together, and I just wanted to let you know that  
2 we're still interested and we want to move forward on  
3 this. And just tell you that we have been meeting, we  
4 met four times, although, the last time was -- I  
5 believe it was last fall, in October, before the last  
6 meeting of this body, and we've had several dozen  
7 people express interest in being members of this group  
8 or somehow contributing to it, but the problem is we  
9 just haven't been able to organize because of the  
10 language not being present.

11 So I appreciate the work that Tony and his group  
12 have been doing to try to finalize this, and what Don  
13 and I plan to do is to let members know that we were  
14 interested in following up on this and not to lose  
15 faith, that we haven't stopped with this, but now that  
16 the tentative rules and regulations are out there and  
17 as soon as it's finalized we'll have a more formal  
18 meeting and attempt to get established as a body, and  
19 then address some of the questions that have been  
20 brought up.

21 But one of the main concerns that was expressed  
22 by people attending the meeting was that they wanted  
23 to get this thing established as soon as possible, but  
24 then other questions as to the exact makeup of the  
25 membership, the exact area that would be covered,  
26 other rules and regulations, and any possible funding  
27 were also issues that were important.

28 We have made a little bit of progress. We've  
29 succeeded in getting the University of Louisiana to  
30 allow us to use the geology department as an address



1 for this tentative group, so if there are any  
2 questions you can address issues there, or my address  
3 is available on the Web site through the DEQ as a task  
4 force member. Thank you.

5 MR. KIRKPATRICK:

6 Any other task force comments? (No response.)

7 MR. DUPLÉCHIN:

8 I have a question for the task force. When the  
9 task force first met after the initial meeting of the  
10 Ground Water Resources Commission there was talk by  
11 some members as to chairmanship of the task force, and  
12 we didn't keep minutes of that meeting. Does anyone  
13 remember who was chairman of the task force or was a  
14 chairman even picked? (General discussion among  
15 audience.) I'll pour through the statute again and be  
16 sure of that.

17 MR. KIRKPATRICK:

18 Any public comments?

19 MS. COHEN:

20 My name is Mara Cohen. I'm a member of the  
21 Sierra Club. First I want to thank you very much for  
22 discussing the permitting process. And I think part  
23 of the question from the last meeting had to do with  
24 what the Commission -- what your involvement would be  
25 in the permitting process of reservoirs. The Sierra  
26 Club remains against the establishment of new  
27 reservoirs before there's a comprehensive groundwater  
28 study, and that's something that I think you probably  
29 have something to do with, being the Ground Water  
30 Commission.

1 I'm not familiar with all the areas that they're  
2 proposing reservoirs, but there are seven of them, and  
3 the one in Washington Parish, they haven't submitted  
4 anything to the Corps yet, but there's a lot of  
5 question about mercury contamination and about habitat  
6 destruction because there are gopher tortoises in that  
7 area. So I just ask you again to please look into  
8 this.

9 MR. KIRKPATRICK:

10 I do think our role in actually dealing with  
11 those reservoirs that have already been created by the  
12 legislature is extremely limited, if none at all. But  
13 as we did talk about earlier, our commitment to  
14 encourage the state and develop a statewide  
15 groundwater management plan, hopefully that's taken  
16 flight, and hopefully we will have a direct role in  
17 making that happen. So just a few thoughts on what  
18 you were talking about.

19 MR. DURRETT:

20 May I ask a question? You say there are seven  
21 reservoirs. How many of them have not been created by  
22 the legislature, do you know? Or are you talking  
23 about the seven that have been created by the  
24 legislature?

25 MS. COHEN:

26 I believe there are seven that came out of seven  
27 different, like, bond commissions.

28 MR. KIRKPATRICK:

29 I believe all of the seven have been created by  
30 the legislature. Thank you. Any other public

1        comments? (No response.) We can discuss our next  
2        meeting. Tentatively we have a date of May 23rd down  
3        as the date for the next meeting. Does anybody have  
4        any --

5        MR. DURRETT:

6            I've got a problem with that.

7        MR. KIRKPATRICK:

8            You've got a problem. Okay, May 23rd. Mr.  
9        Knochenmus?

10       MR. NAMWAMBA:

11           Yes, if it's possible to move it into early June.

12       MR. KIRKPATRICK:

13           That's three known conflicts. Okay. The session  
14        ends the 23rd of June. If anybody else goes back and  
15        finds that you have a problem with that date on your  
16        schedule, please let Tony know as soon as possible.  
17        The legislature does end June 23rd, so perhaps that  
18        might be a better time for a number of us.

19       MR. DUPLICHIN:

20           The reason we suggested May 23rd was with the  
21        session ending on the 23rd of June that would give us  
22        one week for the Commission to meet and satisfy the  
23        requirements in the statute for meeting quarterly. I  
24        thought if we met in May, then we could look at  
25        meeting in July after the session ends to discuss any  
26        matters that may have come up in the session regarding  
27        ground water.

28       MR. KIRKPATRICK:

29           Like I said, if anybody finds out they do have  
30        additional conflicts, let Tony know as soon as

1 possible. Maybe, Tony, you could throw out a couple  
2 of additional dates and just see if we can find a few  
3 that might meet everybody's needs a little better.  
4 We'll try to communicate through e-mail on that,  
5 perhaps?

6 MR. DUPLÉCHIN:

7 Yes.

8 MR. KIRKPATRICK:

9 Hold May 23rd, but we'll try to find a better  
10 date. That's four, so probably not a good date. The  
11 16th of May? Does anybody know of any conflicts then?

12 MR. DURRETT:

13 That's much better. High school graduation is  
14 the 23rd week.

15 MR. KIRKPATRICK:

16 Okay. One conflict on the 16th, two conflicts on  
17 the 16th.

18 MR. NAMWAMBA:

19 I don't have a conflict on the 23rd. I was going  
20 to travel to see my family. I don't have a conflict.

21 MR. KIRKPATRICK:

22 Maybe we could -- potentially May 16th,  
23 potentially May 23rd, but we'll make a decision  
24 through e-mail.

25 MR. BOLOURCHI:

26 Move to adjourn.

27 MR. SPICER:

28 Second.

29 MR. KIRKPATRICK:

30 Any opposition? Hearing none, we're adjourned.

## CERTIFICATE

I, SUZETTE M. MAGEE, Certified Court Reporter, do hereby certify that the foregoing meeting was held on March 7, 2005, in the Conservation Hearing Room, Baton Rouge, Louisiana; that I did report the proceedings thereof; that the foregoing pages, numbered 1 through 53, inclusive, constitute a true and correct transcript of the proceedings thereof.

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SUZETTE M. MAGEE, CCR #93079

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